

having to meet the “substantial services” criteria may use verifiable data from any employment program operated by the tribe, as was the case for FY 1998. Refer to section 646.215 for these criteria. Tribes or consortia are encouraged to submit State-negotiated AFDC/TANF counts for their area prior to applying for FY 1999 INA WtW funds.

Subpart D—Participant Eligibility, Limits, and Allowable Activities

§ 646.400 What TANF recipients are eligible for services under INA WtW grants?

Individual TANF clients must meet the conditions outlined at section 403(a)(5)(C), clauses (ii), or (iii), or (iv) of the amended Social Security Act. For INA WtW purposes, an individual determined to have low skills in reading or mathematics must be proficient at the 8.9 grade level or below. An individual determined to have a poor work history must have worked no more than three (3) consecutive months in the past twelve (12) calendar months.

§ 646.405 What activities are allowable under the Welfare-to-Work program?

All allowable activities are described at section 403(a)(5)(C)(i) of the Social Security Act. INA WtW funds shall be used to “move individuals into and keep individuals in lasting unsubsidized employment by means of any of the following:”

- (a) The conduct and administration of community service or work experience programs;
- (b) Job creation through public or private sector employment wage subsidies;
- (c) On-the-job training;
- (d) Contracts with public or private providers of readiness, placement, and post-employment services;
- (e) Job vouchers for placement, readiness, and post-employment services; and
- (f) Job retention or support services if such services are not otherwise available.

§ 646.410 Are there any special rules governing the use of job vouchers?

In addition to the requirements at 29 CFR 97.36(i) and 29 CFR 95.48, contracts or vouchers for job placement services supported by INA WtW funds must include a provision to require that at least one-half (½) of the payment occur after an eligible individual placed into the workforce has been in the workforce for six (6) months. This provision applies only to placement in unsubsidized jobs.

§ 646.415 What kind of “job readiness” services are allowable under the INA WtW Program?

Job readiness services include activities necessary to prepare an individual for employment. Such activities include, but are not limited to: Intake; eligibility determination; testing; assessment; orientation to the world of work; job search skills; job search assistance; job clubs; and employment counseling.

§ 646.420 What assistance can be provided under the “supportive services” category?

The provision of supportive services must be directly related to retaining employment, and not otherwise available to the client. Supportive services include, but are not limited to: Day care; transportation; work or protective clothing or equipment; tools; medical devices such as eyeglasses or braces; food; shelter; special services or equipment for the disabled; and financial counseling. Supportive services may be provided in-kind or through cash assistance. In cases where severe substance abuse or chemical dependency is a significant barrier to employment, substance abuse treatment may be undertaken as a “supportive services” activity, to the extent that such services do not constitute medical services.

§ 646.425 Are any education or training activities allowable under the INA WtW grant?

Although the Act does not authorize the use of grant funds for independent or stand-alone training activities, the

Department recognizes that basic education and skills development as part of an employment experience will be needed by some recipients in order to achieve the ultimate objective of INA WtW assistance, which is self-sufficiency. Therefore, basic education and vocational skills training where needed, based on an assessment of the recipient's needs, may be provided as a post-employment service where the recipient is employed in either a subsidized or unsubsidized job.

§ 646.430 Are there any time limits on client participation under the INA WtW program?

There are no specific participant time limitations for the INA WtW program. However, grantees should keep in mind the purpose of WtW, which is to provide transitional assistance to hard-to-employ welfare recipients to help them secure lasting, unsubsidized employment.

Subpart E—Tribal Service Areas and Populations

§ 646.500 We're a TANF/NEW tribe. What is my tribe's service area and/or population under an INA WtW grant?

NEW tribes will have the same service area and service population as they have under the NEW program. TANF tribes may elect to serve only their own tribal members in their service area, in accordance with their TANF funding.

§ 646.505 My tribe (or consortium) must qualify for an INA WtW grant under the "substantial services" criteria. How will our service area be determined?

Tribes qualifying for the INA WtW program under the "substantial services" criteria (i.e., not operating their own TANF or NEW programs) may use the service area(s) established for the tribe under the JTPA or BIA Employment Assistance programs. INA WtW grantees funded under the "substantial services" criteria shall ensure that all AFDC/TANF recipients within the service area for which the grantee was designated are afforded an equitable opportunity for INA WtW services, because their funding is predicated on

1990 Census data for all Native Americans residing in their service area, regardless of tribal affiliation. While there is no individual entitlement to INA WtW services, all eligible AFDC/TANF recipients shall be afforded equal consideration in the decision to provide INA WtW services. Service areas differing from those outlined above may be negotiated with the Department of Labor.

§ 646.510 Are there any special service area provisions made for Indians residing in Oklahoma?

Yes. With the exception of the Osage reservation in Oklahoma, service areas will be determined by reference to the "tribal jurisdiction statistical areas" (TJSAs). TJSAs are defined by the Bureau of the Census as being areas, delineated by Federally-recognized tribes in Oklahoma without a reservation, for which the Census Bureau tabulates data. TJSAs represent areas generally containing the American Indian population over which one or more tribal governments have jurisdiction. Service areas for Oklahoma Indian residents differing from those outlined under the TJSAs may also be negotiated with the Department of Labor.

Subpart F—Funding and Spending Requirements

§ 646.600 How will the INA WtW grant funding allotments be determined?

Funds will be allotted to INA WtW grantees on a formula basis. To determine the FY 1998 allotments, poverty data from the 1990 Decennial Census will be used to determine the "split" between TANF/NEW tribes and all other tribes. The percentage of the annual appropriation reserved for TANF and NEW tribes will then be allocated using 1995 AFDC counts previously published by DHHS. For FY 1999, a single funding formula will be employed utilizing AFDC/TANF counts.

§ 646.605 What spending limitations are imposed on the INA WtW program?

No less than seventy percent (70%) of INA WtW funds must be spent directly on assistance for the benefit of TANF